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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written submission by the Azerbaijan: Human Rights Commissioner (Ombudsman)*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Azerbaijan: Human Rights Commissioner (Ombudsman)**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institutions with "A" status accreditation from the Global Alliance of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

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Annex

[English only]

Submission by the Azerbaijan: Human Rights Commissioner (Ombudsman)

Statement of the Commissioner for Human Rights of the Republic of Azerbaijan on cultural rights.

National human rights institutions (NHRIs) play an important role in addressing economic, social and cultural rights. In parallel with the increased importance attached to these rights over the past years, the numbers and effectiveness of national human rights institutions have also increased.

According to the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan (hereinafter Constitutional Law) Azerbaijan NHRI has a legally defined relationship with the state, which gives it authority to monitor compliance with international human rights norms. In respect of cooperation with stakeholders Azerbaijan NHRI uniquely positioned between government, civil society and the UN human rights system which allows it bring together various governmental and non-governmental actors.

Within last years, in Azerbaijan, it has been taken quite significant measures in terms of social-economic development in rural areas of the country, which creates great stimulus in development of non-oil sector in rural areas. Establishing free entrepreneurship environment in the country stimulates creating new agriculture forms.

It is worth to mention Declaring 2016 –the Year of Multiculturalism in Azerbaijan according to the Presidential Decree issued for the maintenance the multiculturalism traditions, better development and wide campaigning are also an evidence of a real indicator that the multiculturalism has become a way of lifestyle without alternatives in the country.

Delivering speech in the Academic Forum of UNESCO Chairs on intercultural and inter-religious dialogue of the 3rd World Forum on Intercultural Dialogue organized under the motto "Share a Common Culture for the Safety!" and calling the international community to peace and cooperation, the Commissioner pointed out that to the fact of being this Forum as a factor of demonstration of solidarity, encouraging intercultural and inter-religious dialogue among the State Parties by Azerbaijan as a model of multiculturalism, treating various religions, confessions, mosques, churches, synagogues and cathedrals existed in the country equally and without any discrimination by the State; and the importance of ensuring the rule of law, and developing the culture of respect to the protection of human rights and fostering peace culture.

The Commissioner recommended to include the discrimination, xenophobia, ethnic cleansing on the ground of race, nationality, religion, and other grounds and fighting against other similar cases to the list of priority issues of national human rights institutions (NHRIs) as well as international organizations, dealing with the protection of human rights; and to join efforts for punishment of the States charged in crimes with severe violation of human rights at the international level.

Furthermore, she recommended to establish the culture of peace network of religious communities of the country; involving state and local self-governing bodies, civil society institutions and communities to intercultural dialogue, inter-religious cooperation; creating favorable condition for peace, stability, mutual understanding, sustainable development, support and collaboration by fostering of religious tolerance; strengthening of religious tolerance in children and youth and teaching world religions in education establishments.

The Commissioner also puts forward recommendations in respect of protection economic, social and cultural rights. As such, in the annual reports, the Commissioner proposed strengthening the social protection of the orphans and children deprived of parental care, creating social-rehabilitation centers in charge of social care of such children, and provision of those, who are obliged to leave the boarding houses as they reached the age of consent, with housing. In this regard and according to the relevant Decision of the Cabinet of Ministers, it is necessary to create the House of Graduates Social Institute and provide the graduates deprived from parental care, of such state boarding houses under the subordina'e of the Ministry of Labor and Social Protection of Population, with complex medical and social rehabilitation; establishing Public Rehabilitation Institute for Children with Special Needs in order to ensure their integration to the society; determining of allowances to parents or legal guardians of those involved to home-based education for taking them to health, rehabilitation or medical institutions.

Also in respect of protecting of the cultural monuments in different parts of the country the Commissioner plays active role such as visiting the regions, disseminating statements in this regard and urging to the relevant bodies in order to prevent further harm to the monuments that hold great history of the country.

However, ongoing occupation of the 20 percent of the territory of Azerbaijan by the Armenian extremists created serious obstacles for a country. As a result of this occupation one million people were forced to leave their homes, became refugees and internally displaced persons, thousands of compatriots became victims of genocide acts, mass annihilation and ethnic cleansing, civil population, children, young people, persons with disabilities, women, elderly persons went missing, were taken captive and hostage, thousands of living, education, healthcare and other social objects, as well as historical – cultural monuments were destroyed.

The intentional destruction of cultural heritage is a violation of human rights. It is obvious that, without tangible and intangible heritage, which covers cultural heritage any person could not enjoy own cultural rights. The intentional destruction of cultural heritage is an act of vandalism against humanity and should be adressed by the international community. Because the lost of cultural heritage means the lost of history of mankind.

Azerbaijan actively participates in international arena for preservation of tangible cultural heritage. Azerbaijan has declared the preservation of tangible and intangible cultural heritage as one of the main priorities.

As a result of this occupation more than 100.000 cultural monuments were destroyed or captured, as well as more than 500 cultural and 100 archaeological monuments and 22 museums were destroyed.

Apart from tangible cultural monuments, Armenian extremists misappropriate folklore, music, literature and other cultural values of the Azerbaijani people, and thus, extend the occupation policies up to the level of cultural values. They also misappropriate music of the Azerbaijani compositors, other examples of cultural heritage and appeal in this regard was addressed to the International Organization of Intellectual Property.

Shusha city which was occupied on May 8, 1992, being the integral part of Azerbaijan is also the historical cradle of culture of our people. Population of Shusha, which covered the territory of 289 square km, was 24,900 at the time of occupation. During the occupation of Shusha 193 people were killed, and 102 – became disabled. 27 industrial and construction

units, 103 cultural objects, 31 towns, settlements and villages, 249 historical monuments and museums, 17 historical memorials were destroyed and burned. The property of Shusha Historical Museum consisting of about five thousands of exhibits, the local branch of State Museum of carpets and national fine arts, State Historical Museum of Karabakh disposing about a thousand of exhibits, as well as the Agoglan temple in Lachin district, the Azikh cave, Asgaran castle in Khojali district, the unique exhibits of Kalbajar Historical Museum were destroyed. These samples of vandalism are not only their inhuman treatment to people, but also in merciless attitude to monuments.

The violation of the Azerbaijan's territorial integrity by Armenian extremists, occupation of the country territory, destroying and misappropriation of its historical and cultural wealth, violation of cultural rights of people absolutely contravene the universal norms and principles of the International Law.

Commissioner in her statements repeatedly called international community to stop this violation against humanity and cultural heritage. We hope that this problem will be solved soon in peaceful way and the people of this region will have access to their cultural heritage.